

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JEFFREY CHARLES WREN,

Plaintiff,

v.

MAIL ROOM TRUST STAFF, *et al.*,

Defendants.

No. 1:21-cv-01486-NONE-BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS RECOMMENDING  
DENIAL OF PLAINTIFF'S MOTION TO  
PROCEED *IN FORMA PAUPERIS*

(Doc. Nos. 2, 8)

**THIRTY (30) DAY DEADLINE**

Plaintiff Jeffrey Charles Wren is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on October 5, 2021, together with a motion requesting leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (Doc. Nos. 1, 2.) Plaintiff filed a prisoner trust fund account statement on October 6, 2021. (Doc. No. 6.)

On October 7, 2021, the assigned magistrate judge issued findings and recommendations that plaintiff's application to proceed *in forma pauperis* be denied and that plaintiff be required to pay the \$402.00 filing fee in full to proceed with this action because he is able to afford the costs of this action. (Doc. No. 8.) The magistrate judge found that plaintiff's balance at the time this action was filed was \$509.21. Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 2.)

1 Plaintiff filed a response stating that he is pre-paid for eight civil rights actions, citing  
2 Federal Rule of Civil Procedure 67 and Local Rule 150. (Doc. No. 11.) Plaintiff appears to be  
3 claiming that he has funds deposited with the court and he would like a portion of those funds to  
4 be withdrawn to pay the filing fee for this action. (*Id.*)

5 Plaintiff's response does not undermine the magistrate judge's reasoning. Plaintiff does  
6 not contest that he has sufficient funds to pay the filing fee for this action, only that he believes he  
7 has funds deposited with the court that he would like to use to pay the fee for this case. However,  
8 plaintiff has not attached any receipts or other proof that such funds exist with the court, and the  
9 court is aware of no such funds. As plaintiff will be permitted an opportunity to pay for the filing  
10 fee in this action, he may attempt to do so using funds from his inmate trust account or using  
11 funds from those deposited with the court, if any exist.

12 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a  
13 *de novo* review of the case. Having carefully reviewed the entire file, including plaintiff's  
14 response, the court concludes that the magistrate judge's findings and recommendations are  
15 supported by the record and proper analysis.

16 Accordingly,

- 17 1. The findings and recommendations issued on October 7, 2021, (Doc. No. 8), are  
18 adopted in full;
- 19 2. In accordance with 28 U.S.C. § 1915(g), plaintiff's application to proceed *in forma*  
20 *pauperis* (Doc. No. 2) is denied; and
- 21 3. Within **thirty (30) days** following the date of service of this order, plaintiff shall  
22 pay the \$402.00 filing fee in full. If plaintiff fails to pay the filing fee within the  
23 specified time, this action will be dismissed without further notice.

24  
25 IT IS SO ORDERED.

26 Dated: **November 1, 2021**

27   
28 UNITED STATES DISTRICT JUDGE